Previous references.

Ch 30-09 3-4
Ch 30-09 1-2

1912-13
(Courts)

File No. 242 -12

Serial Nos. 1-2

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2

Part B. for March 13

SUBJECT.

Addendum et Corrigendum to Rule of practice No 83 of 1st Sept 1909 (Crl.) re Calendars in Criminal Cases

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Table of Contents.

1 From the Registrar Ch. Ct. No 2946/208 dt 28-2-13 1-3 -
Requests sanction of Govt to an addendum et Corrigendum to Rule of Practice No 83 of 1-9-09 regarding Calendars in Criminal Cases.

2 To the Registr Ch. Ct. No J 2845 dt 26-3-13.
Approves of the draft amendment receives with D/ 1

MC/12/6/13

G. R. S. 58

M.O. Srikantaiah
6-8-13

G.R.S. 11] 1912.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 242 of 1912-13

FILE HEADING.

Addendum et Corrigendum to Rule of Practice no 83, dy 1st Sepr 1909, (Bl) re calendar in Criminal cases

From

The Registrar, Chief Court

No. 2946/208 Dated 28-2/1-3-13 Received 2/3-3-1913

Diary No. J2417	Enclos. 1	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests sanction of Govt to an addendum et Corrigendum to Rule of Practice no. 83 dy 1-9-1909 regarding calendar in Criminal cases

NOTES AND ORDERS.

The ~~reason~~ necessity for the proposed amendment is stated in the last two sentences of the Registrar's letter.

Parliamentary Department

2) Subn for orders with a draft approving the proposal.

KG-129 SW 20/3/13 20/3

Dy Sec'y) SPJ 21/3

22/3

NOTES—First Sheet.

GPB—30,000—12-8-11

G. R. S. 12]

2

General and Revenue Secretariat. | cb File No. 242 of 1912

Serial No.	
	3) The draft may be approved (1st Councillor) Draft q/q Clear 22/3
	4) Draft appd. by 1st Councillor 22.3.13
	5) Issue 24/3
2	To The Regr Ch. Cl. No J 2846 q 26-3-13. Approves of the draft amendment received with Sl No 1.

NOTE—Contn. sheet.

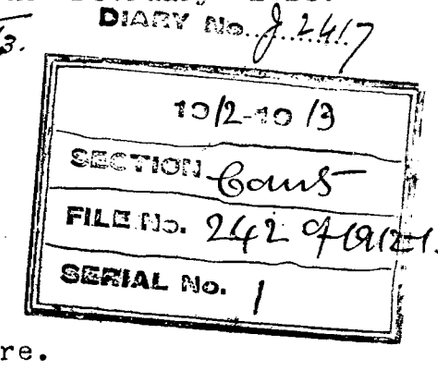
GPB—35,000—17-6-12.

CHIEF COURT OF MYSORE,

No: 2946/208 Revenue.

Bangalore, dated 28th February 1913.

1/3.



From,

The REGISTRAR of the
Chief Court of Mysore.

To,

The SECRETARY to the Govt: of Mysore,
General and Revenue Departments.

S i r,

I am directed to request the sanction of Government to the enclosed ~~a~~* Addendum ~~and~~ et Corrigendum to Rule of Practice No. 83 dated 1st September 1909, (Criminal).

The Chief Court consider that calendars in Criminal cases should in cases of previcus conviction contain the particulars of such convictions. Particulars of previous convictions are generally stated in the charge for the purpose of enhancing the sentence to be passed upon the accused in case of a conviction. But it has been held in some cases that when the sentence passed is one which the trying Magistrate is competent to pass for the offence proved, the omission to formally charge the accused with a previous conviction does not render the sentence illegal, although in passing it the Magistrate may have been in-

fluenced

influenced by the fact that the accused is an old offender. Taking advantage of this circumstance some Magistrates do not consider it necessary to give in their judgments particulars of previous convictions against the accused. This practice is, in the opinion of the Chief Court, open to objection and the amendment now proposed will have the effect of putting an end to it.

I have the honour to be,
Sir,
Your most obedient servant,

Registrar.

N. C.

NB.

Enc to Ch. 242-12-1

IN THE CHIEF COURT OF MYSORE

Criminal side.

Addendum et corrigendum to Rule of Practice No. 83 dated 1st September 1909.

The Chief Court directs that in the form of Calendar appended to the said Rule, the words "as well as the particulars of previous conviction" in item 3 of 'Instructions' be deleted, and that the following be added at the end of item No. 5.

"N.B. In case of a conviction, particulars of previous convictions if any, proved at the trial, should also be noted".

Registrar.

A.V.

M.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

CRIMINAL SIDE.

Rule of Practice No. 83, dated 1st September 1909.

In supersession of R. P. No. 58, dated 1st September 1892, R. P. 67, dated 12th January 1899, and C. L. No. 94, dated 10th March 1891, the Chief Court, under Section 554 of the Code of Criminal Procedure and with the sanction of Government, issues the following rules for the submission of calendars:—

ORIGINAL JURISDICTION.

1. *Sessions Judges.*—Courts of Sessions Judges will transmit to the Chief Court copies of all judgments and orders, together with a tabular statement in the annexed form, within 48 hours after the date of pronouncing judgment or order in each case.

2. *District Magistrates.*—District Magistrates will forward to the Chief Court copies of all their judgments and orders, together with a tabular statement in all cases tried by them, including proceedings held under Chapters VIII, X, XI, XII and XXXVI of the Code of Criminal Procedure, within 24 hours after pronouncing the judgment or order.

3. *Sub-Division Magistrates and 1st Class Magistrates.*—Sub-Division Magistrates and all 1st Class Magistrates will submit copies of judgments and orders, together with a tabular statement to the District Magistrate, in all cases tried by them, including the proceedings held by them under Chapters VIII, X, XI, XII and XXXVI of the Criminal Procedure Code, within 24 hours after the close of the trial.

4. District Magistrates will, after perusal, forward them without delay to the Sessions Judge with a note showing what action (if any) has been already taken.

5. All 2nd and 3rd Class Magistrates will submit copies of judgments and orders passed by them, together with the prescribed statements, to the District Magistrate, and when there is a Sub-Division Magistrate, through such Magistrate, within 24 hours after the close of the trial. In the latter case the Sub-Division Magistrate will, after examining the statements, judgments and orders, forward them to the District Magistrate, bringing at the same time to the notice of the District Magistrate any errors or irregularities in the proceedings of the Subordinate Magistrate.

6. If an order of discharge is passed by a District Magistrate, under Section 209 of the Code of Criminal Procedure, a copy of the order will, in the first instance, be submitted to the Sessions Judge. If the order is passed by any other Magistrate, he will forward it to the District Magistrate, who will, without unnecessary delay, forward it to the Sessions Judge. Sessions Judges will forward these copies after perusal to the Chief Court.

7. Statements need not accompany copies of judgments or orders when cases are compounded, or are permitted to be withdrawn, or when they are dismissed for default of the complainant's appearance, nor need copies of the 'Requisite' or 'Reasons for Commitment' be sent along with statements in case, committed to the Court of Session.

8. Sessions Judges and District Magistrates, to whom copies of judgments are submitted, will carefully examine them and report at once to the Chief Court any cases which, in their opinion, may call for revision.

APPELLATE JURISDICTION.

9. A copy of every judgment or order passed by Sessions Judges in the exercise of their appellate jurisdiction and a copy of every miscellaneous order passed by them under the provisions of the Criminal Procedure Code, finally disposing of any matter *sub judice*, will be submitted to the Chief Court within 48 hours after the passing of the same.

10. A copy of every judgment or order passed by District Magistrates in the exercise of their appellate jurisdiction and a copy of every miscellaneous order passed by them under the provisions of the Criminal Procedure Code, finally disposing of any matter *sub judice*, will be submitted to the Chief Court within 48 hours after the passing of the same.

11. Copies of judgments on appeal and of miscellaneous orders of the kind referred to in para 10 above passed by Sub-Division Magistrates and 1st Class Magistrates, will be submitted within 48 hours to the District Magistrate. The District Magistrate, after examining them, will forward them without delay to the Sessions Judge.

12. A copy of judgment passed on appeal which, under paras 9, 10 and 11, is required to be submitted to the Chief Court or the District Magistrate, shall invariably be accompanied by a copy of the judgment or order appealed against together with the statement accompanying such judgment or order.

13. The following are some of the points which Sessions Judges and District Magistrates will particularly notice when exercising their powers of supervision :—

(*a*) The rash or unnecessary issue of process.

(*b*) The dealing with disputed claims of right under color of a charge of criminal trespass or mischief and convictions for these offences without a finding as to the criminal intent.

(*c*) The suitability of the punishment inflicted on youthful offenders.

(*d*) The judicious or injudicious use of the powers conferred by Sections 250 and 562 of the Code.

(*e*) The indiscreet imposition of fines beyond the means of offenders.

(*f*) The light punishment, by inferior Courts, of offences requiring severe sentences in cases which ought to have gone up to superior Courts for enhanced punishment.

(*g*) The imposition of heavy fines in addition to imprisonment with a view, in default of payment, to extend the term of imprisonment beyond the ordinary powers of the Magistrate to inflict.

(*h*) The exaction of excessive bail or excessive security for keeping the peace or for good behaviour.

(*i*) Unnecessary delay in the disposal of cases.

V. A. RAJARATNA MUDALIAR,
Registrar.

Calendar of persons tried before the Court of

(1) Serial number
(2) Name of complainant
(3) Name of accused
(4) Father's name
(5) Caste
(6) Calling
(7) Age
(8) Residence
(9) Offence complained of
(10) Date of occurrence
(11) Date of complaint or report
(12) Date of arrest by the Police
(13) Date of first appearance before the Court
(14) Date of commencement of trial
(15) Date of close of trial
(16) Result of trial
(17) Number of adjournments
(18) Explanation of delay and remarks

Magistrate.

Instructions.

1. If the number of accused be large and the space against 3. Name of accused, 4. Father's name, 6. Calling, and 8. Residence, be found insufficient, the particulars may be entered in a separate sheet of paper and appended to this.

2. Explanations of delay should invariably be given if the interval between the date of appearance of the accused and the date of judgment or sentence is more than a fortnight.

3. If the case is received by transfer from another Court, the date of the first appearance of the accused and the number of adjournments in that Court, as well as the particulars of previous conviction, will be noted against 18. "Explanation and remarks."

4. In the case of arrest, whether the accused was detained in custody or released on bail should invariably be stated under "Remarks;" and in the latter case, the date of release should also be given.

5. In No. 16. "Result of Trial," note—

Discharged under Section
Acquitted under Section
Or convicted under Section
and sentenced to

G.R.S. 28]

242

65 File No. 173 of 1912

Serial No. 2

Diary No. of letter replied to 251

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.

( )

the 191 .

Date of issue 26-3-13

Signed by Mr S. P. Rajagopalachar

READ—

Letter No. 2946/208 dt. the 28th Feb. 13 from the Registrar, Chief Court, forwarding for approval a draft addendum et Corrigendum to Rule of Practice No. 83 dt. the 1st Sept. 1909 regarding the preparation of Calendars in Criminal Cases.

ORDER THEREON. ~~No.~~

Order thereon:- No. J 2845

The draft amendment received with the ~~Registrar's~~

P.T. over.

SUBJECT.

253 GA

letter read above is approved.

for Offg Secy to Govt

To The Registrar, Chief Court

Offr
K.G. - 129
2073/13

22/3/13